

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. *

*,

Plaintiff(s),

v.

*,

Defendant(s).

TRIAL PROCEDURES ORDER

Order Entered by Magistrate Judge *

The following procedures and orders supplement the Federal Rules of Civil Procedure and the local rules of this court. In order to fairly and efficiently try the merits of each case, the following ORDERS apply.

Final Trial Preparation Conference with Trial Magistrate Judge

1. The parties are to exchange their pre-marked exhibits on the date set forth in the final pretrial order. Plaintiff shall use numbers and Defendant shall use letters. Two copies of exhibit lists and witness lists in the format attached to this order shall be provided to the court at the final trial preparation conference. Stipulations as to authenticity and admissibility shall be set forth on the exhibit lists. Counsel shall be prepared to stipulate to the admissibility of exhibits at the final trial preparation conference.

2. Prior to trial, the parties are to decide upon joint exhibits and thus avoid duplication of exhibits, and are to stipulate to the authenticity and admissibility of as many exhibits as is possible. If the parties agree on joint exhibits, two copies of a joint exhibit list shall be provided at the final trial preparation conference.

3. Each party shall provide, at the final trial preparation conference, one original and one copy of objections to exhibits. The objections shall state in a clear and concise fashion the evidentiary grounds for the objection and the legal authority supporting such objection. If the authority is a Federal Rule of Evidence, the Rule is to be cited; if the authority is case law, a copy of the case shall be provided to the court.

4. At the final trial preparation conference, counsel shall provide their final witness lists with an estimate of the direct examination testimony time. Each witness designated as a "will call" witness shall be counsel's representation, upon which opposing counsel can rely, that the witness will be present and available for testimony at trial.

5. Video-taped deposition testimony. In the event videotaped deposition testimony will be used, opposing counsel must be given ten days notice prior to the final trial preparation conference. Any objections to the testimony must be marked on a copy of the transcript and provided to the court at the final trial preparation conference. Objections to videotaped testimony will be ruled on prior to trial to allow for editing of the tape to be presented to the jury.

6. Any stipulated amendments to the pretrial order are to be presented at the final trial preparation conference.

7. Motions in limine are to be submitted no later than **five business days** before the final trial preparation conference. Counsel are advised that motions in limine are discouraged.

Prior to Trial

1. **Five business days before trial to a jury**, voir dire questions and proposed instructions and proposed verdict forms are due. Counsel are to submit to the **magistrate judge's chambers** two copies of proposed substantive jury instructions, one with sources or authority and one without. Counsel are to submit instructions on a disc compatible with Word Perfect 6.1 or higher, or Word 95 or 97. Counsel are to agree and submit one set of proposed stock instructions without authority but with yellow post-its citing the applicable authority.

2. For **trials to the court**, counsel shall file with the clerk's office at least **five business days prior to trial** an original and one copy of proposed findings of fact and conclusions of law in hard copy and on a disc compatible with Word perfect 6.1 or higher, or Word 95 or 97.

3. Trial briefs, if any, are to be filed no later than **five business days prior to trial**.

4. Pursuant to Local Rule 54.2, in order to avoid the assessment of jury costs, counsel must notify the court clerk and the magistrate judge's chambers of a settlement before twelve o'clock noon on the last business day before the scheduled trial date.

5. Deposition testimony. Counsel are to advise each other of the proposed deposition testimony offer by page and line reference so that opposing counsel can prepare objections and offer additional portions of the transcript. The court will not provide a person to read the answers.

First Day of Trial

1. Provide three copies of witness list to courtroom deputy and one to opposing counsel.

2. Submit the exhibit list and three copies to the courtroom deputy and one to opposing counsel.

3. Original exhibits, properly marked and filed in one or more notebooks shall be given to the courtroom deputy. Similar notebooks with exhibit copies shall be provided to the court and to opposing counsel. Exhibits with more than one page shall have each page numbered.

4. Copies of Exhibits for Jurors. Each party may provide notebooks for juror exhibits. Those exhibits which have been stipulated to may be placed in the jurors' notebooks prior to trial. Additional exhibits may be published to the jury for placement in juror notebooks following the exhibit's admission into evidence at trial.

5. Submit a list of any stipulated facts and one copy.

General Information

1. My courtroom deputy's name is *, who can be reached at 303-844-3433. Any questions concerning exhibits or courtroom equipment may be directed to her. The proceedings will be tape recorded. Any request for transcripts should be directed to the courtroom deputy. Extraordinary requests, such as for daily copy should be made at least 30 days in advance of the trial date.

2. My secretary's name is *, who can be reached at 303-844-.*.

3. My law clerk, *, may speak to counsel only pursuant to my specific directions. Please do not call the law clerk about procedural or scheduling matters.

4. At trial, all parties and witnesses shall be addressed as “Mr.”, “Mrs.”, “Ms.”, “Dr.”, etc. Informal references are not authorized except when children are testifying.

5. In jury trials, instructions are given prior to closing arguments. Written instructions will be given to the jury.

6. Trial is set for * days to a jury beginning *. The parties will be advised of the number of the courtroom that will be used for trial at the final trial preparation conference.

DATED February 1, 2000.

BY THE COURT:

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United States Magistrate Judge